

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO, INC. SECURITIES :
LITIGATION :
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07 MDL 1902 (JSR)

This Document Relates to:

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MARC S. KIRSCHNER,
as Trustee of the Refco Private Actions Trust,

Plaintiff,

-vs-

PHILLIP R. BENNETT, SANTO C. MAGGIO,
ROBERT C. TROSTEN, MAYER, BROWN,
ROWE & MAW, LLP, GRANT THORNTON
LLP, and ERNST & YOUNG U.S. LLP,

Defendants.

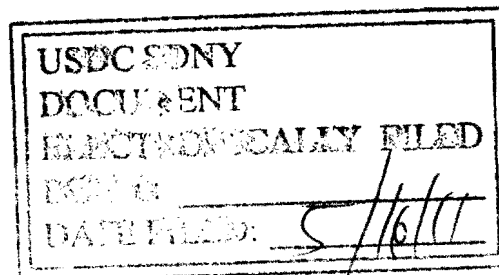
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GRANT THORNTON LLP,

Defendant/ Third-Party Plaintiff,

-vs-

THOMAS H. LEE PARTNERS, L.P.; THL
EQUITY ADVISORS V, LLC; THL
MANAGERS V, LLC; THOMAS H. LEE
EQUITY FUND V, L.P.; THOMAS H. LEE
PARALLEL FUND V, L.P., THOMAS H. LEE
EQUITY (CAYMAN) FUND V, L.P.,
THOMAS H. LEE; DAVID V. HARKINS;
SCOTT L. JAECKEL; and SCOTT A SCHOEN,

Third-party Defendants
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Case No. 07 Civ. 8165 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On February 14, 2011, Special Master Daniel J. Capra issued a Report and Recommendation recommending rejection of Grant Thornton's argument that the Amended Complaint be dismissed for lack of standing. The only objection to the February 14, 2011 Report and Recommendation was filed by the Kryz Plaintiffs, who are not parties to the above-captioned action. Moreover, the Court subsequently granted the relief sought by the Kryz Plaintiffs in its May 3, 2011 Memorandum Order, which specified that the Refco Fraud claims dismissed without prejudice in the Court's March 30, 2010 Order may now be revived. Accordingly, during the May 10, 2011 status conference, the Court confirmed with all litigants involved in the In re Refco multi-district litigation that there are no live issues pending before the Court with respect to the Special Master's February 14, 2011 Report and Recommendation. This written Order therefore clarifies and confirms that the Court adopts the February 14, 2011 Report and Recommendation in all respects.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
May 13, 2011